

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GIUFFRE HYUNDAI, LTD. (d/b/a GIUFFRE
HYUNDAI),

Plaintiff,

– against –

HYUNDAI MOTOR AMERICA,

Defendant.

**MEMORANDUM, ORDER AND
JUDGMENT AWARDING
ATTORNEY'S FEES TO
DEFENDANT**

13-CV-520

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **SEP 13 2013** ★

BROOKLYN OFFICE

JACK B. WEINSTEIN, Senior United States District Judge:

Having read the report and recommendation of the magistrate judge dated August 20, 2013 (ECF No. 50) and the objections of plaintiff Giuffre Hyundai, Ltd. dated September 5, 2013 (ECF No. 52), the magistrate judge's recommendations are approved and adopted. The objections are not meritorious for the reasons stated by the magistrate.

Since clear issues of law are presented, no oral argument is required.

Plaintiff has already filed a notice of appeal as to the court's granting of defendant's motion for summary judgment. *See* Notice of Appeal, May 14, 2013, ECF No. 35. A delay in decision on the issue of attorney's fees, as alternatively requested by plaintiff, while the appeal is pending, should not be adopted. Efficiency and justice are best served by issuing a "prompt ruling on fees to facilitate a consolidated appeal on both the merits and the attorneys' fee issue" if both are before the appellate court. *Tancredi v. Metro. Life Ins. Co.*, 378 F.3d 220, 227 (2d Cir. 2004) (citing Fed.R.Civ.P. 54, advisory committee's notes (1993)). *See also Weyant v. Okst*, 198 F.3d 311, 314 (2d Cir. 1999) (discouraging "piecemeal appeals of merits and fee questions" (internal citations and quotation marks omitted)).

Reasonable attorney's fees of \$87,500 are awarded to plaintiff. Enter judgment.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jack B. Weinstein". The signature is written in a cursive, flowing style with a horizontal line underneath it.

Jack B. Weinstein
Senior United States District Judge

Date: September 12, 2013
Brooklyn, New York